was a serious breach of security at Kalpakkam and that was stolen from Kalpakkam and deposited at the bottom of the river. So there was panic in the city. And, ultimately, they were retrieved by experts and taken away. My specific question to the Minister is this. After that, we are not aware as to how it had escaped from Kalpakkam, whether there was a breach of security, and what the danger was to the safety of the people of the city. Have they conducted any study of these things? Has there been any report? Has any action been taken against the people found guilty? How did this happen?

SHRI YOGENDRA K. ALAGH: As far as the whole question of effluents is concerned, at the level of each plant, there is an environment survey laboratory. *(Interruptions)*. I will come to your question. Once we raise these questions, it is very important. *(Interruptions)*. I am coming to that. You are talking about the radioactive contamination outside the plant. As for the containers, they were sealed containers which were not used at all. They have been recovered and there was no radioactivity released from them at all. In fact, our information is that they did not belong to Kalpakkam at all. They belonged to a foreign oil company and there was no redioactivity contamination from them.

As far as redioactive effluents are concerned, there is a Safety Committee in each plant which has thousands of samples on air, water, vegetables, etc., and therefore, there can be no question of undetected contamination.

MR. CHAIRMAN: Question No. 202.

शहरी कार्य और रोजगार मंत्रालय में अनुकंपा आधार पर रोजगार

*202. **श्रीमती मालती शर्मा:** क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि:

(क) शहरी कार्य और रोजगार मंत्रालय के अंतर्गत चतुर्थ श्रेणी के उन कर्मचारियों के नाम क्या-क्या हैं जिनकी 1995 से लेकर आज तक सेवाकाल के दौरान आकस्मिक मृत्यु हुई;

(ख) क्या यह सच है कि बार-बार अनुरोध किये जाने के बावजूद अब तक उन कर्मचारियों के आश्रितों को अनुकंपा आधार पर नौकरियां नहीं दी गई हैं; और

(ग) यदि हां, तो इसके क्या कारण हैं और उन सभी कर्मचारियों के आश्रितों को कब तक नियुक्तियां प्रदान किए जाने की संभावना है, यदि नहीं, तो इसके क्या कारण हैं?

THE MINISTER OF STATE IN THE MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (DR. U. VENKATESWARLU): (a): Four employees of this Ministry have died in service since 1995. Their names are a under:

	S/Shri	Expired on
(1)	Trilok Singh, Peon	6.8.95
(2)	Ram Swarup, Farash	29.8.95
(3)	Chakradhar Prasad, Peon	26.1.96
(4)	Dharam Vir Singh, Peon	23.4.96

(b) and (c) These appointments cannot be made at present under the existing rules for want fo vacancies in Group 'D'.

However, appointments will be made to the eligible family members of the concerned deceased Government employees as soon as the requisite vacancies under the category of "compassionate appointemnts" become available in this Ministry.

श्रीमती मालती शर्मा: माननीय सभापति महोदय,

मैं मंत्री महोदय से जानकारी चाहती हूं। सरकार ने नियम बनाए हैं कि मृतकों के आश्रितों को सेवा का अवसर तुरंत प्रदान किया जाए। आपने एक तालिका भी दी है कि दो वर्षों में इतने मृतक हुए और उनके आश्रितों को जब स्थान रिक्त होगा तब सेवा में लिया जाएगा। मैं मंत्री जी से यह कहना चाहती हूं कि जो व्यक्ति मर जाता है, उनके परिवार की अन्य सुविधाएं भी समाप्त कर दी जाती हैं और उनके आश्रित को नियुक्ति भी तुरंत नहीं मिलती है। उसका परिवार बिलकुल सड़क पर आ जाता है। मैं मंत्री महोदय से जानना चाहती हूं कि उनको तुरंत सेवा में लिये जाने और उनकी सुविधाओं को बरकरार रखने का मंत्री जी विचार करेंगे।

DR. U. VENKATESWARLU: Sir, it is a question of providing employment to the families of deceased employees. A particular provision has been laid down by the Department of Personnel and Training that the number of posts that can be given under this category of compassionate appointment should not exceed five per cent.

As far as (d) categories in this Ministry are concerned, there are 99 posts. They have already exceeded the five per cent quota that has been formulated and communicated by the DOPT. As such, the dependents of the four employees who died subsequently, after 1995, have been kept in seniority. As and when vacancies arise under this particular category, they will be filled in. Sir, there are four such cases. Among these four cases, three have applied for their posting. Out of these three persons, two have been found eligible for posting. But in order to get a vacancy, 20 more vacancies have to be created under D category since one post in every twenty posts comes under the category of compassionate appointment.

श्रीमती मालती शर्मा: सभापति महोदय, उनको कोई सुविधाएं जैसे मकान इत्यादि की भी नहीं रहती है और जो आप उनको तुरंत सेवा में भी नहीं ले पाते हैं तो ऐसी स्थिति में क्या मंत्री महोदय कोई और इस प्रकार की सुविधाएं उस परिवार को देने का प्रयास करेंगे जिससे कि वह परिवार सड़क पर न आए, भूखों न मरे? क्या मंत्री महोदय इसके ऊपर विचार करेंगे? दूसरा मेरा प्रश्न है, पहले तो इसी का उत्तर मुझे दीजिए फिर दूसरा प्रश्न मैं साथ-साथ मंत्री जी को बता देना चाहती हूं कि मंत्री महोदय आपने 1995-96 का ब्यौरा दिया है कि 2 वर्षों में इतनी मृत्यु हुई। केवल 4 मृत्यु आपने दिखायी है। मैं जानना चाहती हूं कि 3 वर्षों में कितनी मृत्यु हुई और आपने कितनी नियुक्तियां दी और भविष्य में—केवल जब स्थान रिक्त होंगे, आप सेवा में लेंगे इसके बजाए क्या आप तुरंत उनके लिए कोई व्यवस्था करने का प्रयास करेंगे?

DR. U. VENKATESWARLU: Sir. there are two parts of the question. As far as other facilities that have to be provided to the family of the deceased if employment is not given, are concerned, certain financial benefits have been extended to them. Under the category of compassionate appointments. a particular scheme has been drawn and the following benefits have been provided to the families of those four deceased employees under various heads. They are provided benefits firstly, under the Central Government Employees. Insurance Scheme; secondly, encashment of leave to the credit of the deceased; thirdly, entitlement of an additional amount of 8.2 per cent on the average balance of GPF etc.; fourthly, family pension; fifthly, assistance from compassionate fund. Under these heads, the families of the four employees who have died, are given the following amounts. In the case of one Mr. Trilok Singh, who died on 6.8.95, benefits to the extent of Rs. 41.458/- were given to his family. The second person who had died was Mr. Chakradhar Prasad. He was also a peon. He died on 26.1.96. His family has been provided with Rs.75,486/-. The third person, Mr. Ram Swarup. died on 29.8.95. His family has been provided with Rs. 45,875/- and the fourth person was Mr. Dharam Vir Singh whose family has been provided with Rs.25.050/-, depending upon their length of service and other things. As the hon. Member is demanding that they should be given assistance. I would like to inform the Hon'ble Member that an attempt has been made. in fact, to increase the

percentage from five per cent to ten per cent with the DOPT. Actually, this Ministry has written twice to the DOPT and the DOPT has observed that there is no need to increase it because the total reservation should be kept below 50 per cent.

As such, it has also expressed its inability to give sanction for increase of the percentage from five to ten, to be given under the category of compassionate appointments. As such, the Ministry is not in a position to provide employmetn immediately. But as I have assured the House, as and when vacancies arise, they will certainly be provided the same.

श्रीमती मालती शर्मा: महोदय, मैं केवल इतना जानना चाहती हूं कि तुरंत उनके लिए रोजगार की कोई व्यवस्था क्या आप करेंगे, क्योंकि पैसे तो आपने दे दिए, वे पैसे बहुत समय तक नहीं चलते। इसलिए उनके लिए रोजगार की कोई व्यवस्था करने का क्या आप प्रयास करेंगे?

DR. U. VENKATESWARLU: Sir, I have just said that there is a restriction which I cannot relax because it is a policy that is being adopted for all the Central Government establishments and the procedures have been laid down by the Department of Personnel and Training.

SHRI VERENDRA KATARIA: Sir, may I know from the hon. Minister what the rules and guidelines issued by the Government are, from time to time, regarding recruitment or appointment of wards of Government servants who die in harness? What is the time-limit to give appointments to such wards after sudden death of employees? Is it a fact that it takes years together in offering jobs to them? Is it also a fact that such wards are provided with jobs, whenever jobs are offered, in much lower categories, under Groups C and D? Even though they are having higher qualifications, they are given posts onoly in category 3; if so, the reasons therefor.

DR. U. VENKATESWARLU: Sir, I can refer to the guidelines that have been laid laid down by the DOPT. As I have stated, it should not exceed five per cent. Sir, appointments on compassionate grounds are made only in categories C and D to which they are eligible, even though they are having higher qualifications and re-eligible for higher appointments. Sir, the maxmum is only category 3. i.e. the clerical cadre. Beyond that they are not entitled.

With regard to time-limit, there is no particular time-limit fixed that he should be given a job before such and such time. There is no time-limit. He can be put on the seniority list and as and when a vacancy occurs, absorbed.

SHRI SUSHILKUMAR SAMBHAJIRAO SHINDE: Sir, it is a very important question. As the hon. Minister has said, there is a reservation of 50 per cent. There is an Order of the Suprement Court that they cannot fill up any post beyond that particular limit on compassionate grounds also. But the hon. Minister has also said that as and when a vacancy occurs, the post can be filled. The question is this ...*(interruption)*... Yes, age-limit is also there. Whenever a vacancy occurs and an appointment is to be made on compassionate grounds, is an over-aged person also going to be considered for appointment? Suppose after a particular year he is above 40% can he be considered in case there is a vacancy?

DR. U. VENKATESWARLU: Sir, as far as appointments on compassionate grounds are conccerned, there are provosion in the rules to relax agelimit fixed here. But, Sir, with regard to the 50 per cent reservation, it has been very clearly mentioned here: "The guidelines are determined by deducting from 50 per cent the percentage of vacancies actually utilised by appointment of SC/ST, physically handicapped and exservicemen. With the introduction of 27 per cent reservation for OBCs, the question of determination of vacancies for compassionate grounds has been considered by the Government in depth.

but it has been decided that the compassionate appointments can be made up to a maximum of five per cent vacancies falling under the "Direct Recruitments" quota in any Group C and D posts." Sir, these are the regulations that have been made.

श्री सूर्यभान पाटिल वाहादने: श्रीमान्, मेरा एक सीधा सवाल है कि यदि कोई चतुर्थ श्रेणी का कर्मचारी सेवाकाल में मृत हो तो उस कर्मचारी के परिवार में से किसी एक व्यक्ति को अनुकंपा के आधार पर नौकरी में समाविस्ट करने का कोई लीगल प्रावधान है?

DR. U. VENKATESWARLU: Sir, this is an arrangement which has been made by the Government. There is no legal provision.

SHRI SURYABHAN PATIL VAHADANE: I am not asking about the arrangement. Is there any legal provision in the Act?

DR. U. VENKATESWARLU: Sir, there is no legal provision in the Act. It is a compassionate arrangement that has been made by the Government to provide some kind of assistance to the families of the deceased employees. This is an arrangement made by the Government. There is a Supreme Court judgement delivered as early as 4th May, 1994. Here also it has been categorically observed by the Supreme Copurt that some Government or public authorities have been offering compassionate employment, sometimes as a matter of course, irrespective of the financial conditions of the family of the deceased and this is legally impermissible. Here also as a matter of course the employment was given. It has been observed by the Supreme Court that it is legally impermissible. The Government has a right to assess the condition of the family and, depending on their status and need, to provide employment. It is not a matter of legal provision.

श्री मोहम्मद आज़म खान: सभापति जी, मृतक के आश्रित के लिए यह सहायता या जो भी प्रावधान केन्द्र सरकार और राज्य सरकारों में भी है, वह मानवता के आधार पर है या हूमनिटेरियन ग्राउंड पर है। इसलिए इस में कोई कोटा या परसेंटेज होना कुछ अच्छा नहीं लगता। फिर भी अगर कोई ऐसी बंदिश या परेशानी हो तो क्या मानवाधिकारों का ख्याल रखते हुए 5 परसेंट कोटे को नहीं बढ़ाया जा सकता? हालांकि प्रदेश सरकारों में तो ऐसा ही है कि जितने भी मृतक के आश्रित होते हैं, उन्हें समायोजित किया जाता है। महोदय, हमारे उत्तर प्रदेश में तो कम-से-कम हमारा तजुर्बा है कि किसी भी विभाग में इस तरह की शिकायत नहीं मिलती कि मृतक के आश्रित को जगह न दी जाय। उत्तर प्रदेश में तो खास तौर से यह शिकायत नहीं मिलती, लेकिन अगर मृतक के आश्रित को नौकरी नहीं दी जा सके तो कम-से-कम इतना हो सकता है कि उसे उस समय तक जब तक कि सर्विस में नहीं लिया जाता, कोई ऐसा गुजारा भत्ता दिया जाता है जिस से कि उस का गुजारा हो सके। क्या ऐसे किसी प्रावधान का विचार केन्द्र सरकार का नहीं है? क्या "जस्ट ऑन बेसिस ऑफ हूमनिटेरियन ग्राउंड" ऐसा किया
जा सकता है?

DR. U. VENKATESWARLU: Sir, I think I have adequately replied to the questions that are being raised. There is a particular quota that has been fixed. In fact, the Ministry has addressed the DOPT to examine the possibility of relaxing this rule. On two occasions it has been said that it was not possible to relax this rule as such, as the Ministry was concerned with the imposition. Therefore, it cannot be relaxed.

*203. [*The Questioner (Shri Bhagwan Majhi) was absent. For answer vide Col. 30 infra.*]

Central Authority to Prevent Encroachments

*204. SHRI O.P. KOHLI: Will the PRIME MINISTER be pleased to state:

(a) whether a Delhi Court, in a judgement in 1993, had directed to constitute a Central Authority or Department with full-time function to relocate public premises in occupation of various people, and to prevent further encroachments;

(b) if so, the details thereof; and

(c) the action taken by Government thereon?

THE MINISTER OF STATE IN THE